

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REICH, et al.,

Plaintiffs,

ORDER

-against-

21 Civ. 9327 (AEK)

CASABELLA CONTRACTING OF NY, INC., et al.,

Defendants.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

Plaintiff Stephen Reich, in both his fiduciary capacity as a Trustee for various funds and as the Business Manager of Laborers Local Union 754 (“Plaintiffs”), commenced this action on November 11, 2021 against Defendants Casabella Contracting of NY, Inc., Casabella Landscaping, Inc., Doe General Contractor, and Doe Surety Company. ECF No. 1. In an amended complaint filed on February 1, 2022, Plaintiff dropped Defendant Doe Surety Company and added Defendant Hudson Insurance Company a/k/a Hudson Insurance Group. ECF No. 22. A second amended complaint was filed on April 28, 2022, and “Doe Surety Company” was added back in as a defendant. ECF No. 36. On April 29, 2022, Defendant Casabella Contracting of NY, Inc. (“Casabella Contracting”) filed a Notice of Bankruptcy Case Filing, ECF No. 38, which resulted in an automatic stay of the action as against Casabella Contracting pursuant to 11 U.S.C. § 362(a).

On September 7, 2022, Plaintiffs, Casabella Landscaping, Inc., and Hudson Insurance Company (collectively referred to herein as the “Consenting Parties”) consented to my jurisdiction for all purposes pursuant to 28 U.S.C. § 636(c). ECF No. 54. Because of the automatic bankruptcy stay, Casabella Contracting was unable to consent to my jurisdiction;

similarly, because they are only placeholder entities and have not been served with any of the pleadings, “Doe General Contractor” and “Doe Surety Company” also have not consented to my jurisdiction. At a telephone conference conducted on September 14, 2022, the Consenting Parties agreed to have Plaintiff’s claims against Casabella Contracting severed from the action.

Accordingly, the Court hereby ORDERS that, pursuant to Rule 21 of the Federal Rules of Civil Procedure, Plaintiffs’ claims against Casabella Contracting, Doe General Contractor, and Doe Surety Company are SEVERED from this action.

The Clerk of Court is respectfully directed to do the following:

- (1) open a new case, under a new docket number, for Plaintiff’s claims against Casabella Contracting, Doe General Contractor, and Doe Surety Company in which the two plaintiffs are (i) **Stephen Reich**, *in his fiduciary capacity as a Trustee for the Laborers Local 754 Welfare Fund, Pension Fund, Savings Fund, Annuity Fund, Industry Advancement Fund, NY Health and Safety Fund of North America, NYS Lecet Fund, NYSLPA Fund, Laborers' Training Fund, 754 Labor Management Committee, and 754/Contractors Organizing & Development Fund*; and (ii) **Stephen Reich**, *as the Business Manager of the Laborers Local Union 754*, and the three defendants are (i) **Casabella Contracting of NY, Inc.**; (ii) **Doe General Contractor**; and (iii) **Doe Surety Company**;
- (2) assign the new case to the Honorable Kenneth M. Karas, U.S.D.J. and the Honorable Andrew E. Krause, U.S.M.J.;
- (3) waive the filing fee for the new case;
- (4) include all docket entries from 21 Civ. 9327 (AEK) in the docket created for the new case; and

(5) terminate defendants Casabella Contracting of NY, Inc., Doe General Contractor, and Doe Surety Company on the docket of 21-cv-9327 (AEK).

Dated: September 15, 2022
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge